

The Honorable Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
LYNN MANLEY CARGILE,
Defendant.

No. *MJ20-5039*

COMPLAINT FOR VIOLATION
18 U.S.C. §§ 922(g)(1), 924(a)(2), and 26
U.S.C. §§ 5845(a)(3), 5861(d), and 5871

BEFORE the Honorable Theresa L. Fricke, United States Magistrate Judge,
United States Courthouse, Tacoma, Washington.

COUNT 1

(Felon in Possession of a Firearm)

On or about December 26, 2019, in Battle Ground, Clark County, within the
Western District of Washington, LYNN MANLEY CARGILE, knowing he had
previously been convicted of crimes punishable by imprisonment for a term exceeding
one year, to wit:

- a. *Possession of a Controlled Substance – Methamphetamine*, Clark County
Superior Court case number 07-1-00186-7, on or about March 19, 2007;
- b. *Attempting to Elude a Pursing Police Vehicle*, Clark County Superior Court
case number 04-1-01012-8, on or about August 23, 2004;

- c. *Possession of a Controlled Substance – Methamphetamine*, Clark County Superior Court case number 03-9-06351-6, on or about October 23, 2003;
- d. *Attempting to Elude a Pursing Police Vehicle*, Clark County Superior Court case number 03-1-01350-1, on or about October 23, 2003;
- e. *Unlawful Possession of a Firearm in the Second Degree*, Clark County Superior Court case number 01-1-02022-6, on or about January 30, 2002;
- f. *Unlawful Possession of a Firearm in the second Degree*, Clark County Superior Court case number 99-1-01614-9, on or about November 19, 1999;

did knowingly possess, in and affecting interstate and foreign commerce, firearms, to wit:

- a Black Rain Ordnance, model SPEC15, multi-caliber short-barreled semi-automatic rifle, serial number SP002588;
- a Smith and Wesson, model M&P15-22, .22LR caliber semi-automatic rifle, serial number DFJ7209; and
- a High Standard, model The Sharpshooter, .22LR caliber semi-automatic pistol, serial number 2431762,

which had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 2.

COUNT 2

(Possession of an Unregistered Short-Barreled Rifle)

On or about December 26, 2019, in Battle Ground, Clark County, within the Western District of Washington, LYNN MANLEY CARGILE, did knowingly possess a short-barreled rifle not registered to him in the National Firearms Registration and Transfer Record as required by law, to wit: a Black Rain Ordnance, model SPEC15, multi-caliber short-barreled rifle, serial number SP002588, with a barrel measuring less than 16 inches.

1 All in violation of Title 26, United States Code, Sections 5845(a)(3), 5861(d), and
2 5871.

3 The undersigned Complainant, being duly sworn, hereby deposes and says as
4 follows:

5 **TRAINING AND EXPERIENCE**

6 1. I, Benjamin Ziesemer, am currently a Special Agent (SA) with the Bureau
7 of Alcohol, Tobacco, Firearms, and Explosives (ATF) assigned to the Portland Field
8 Office. I have been a Special Agent for over 18 years. I am a graduate of the Criminal
9 Investigator Training Program at the Federal Law Enforcement Training Center in
10 Glynco, Georgia, as well as a graduate of the New Professional Training Program at the
11 ATF National Academy in Glynco, Georgia. As a Special Agent with ATF, my duties
12 and responsibilities have included conducting criminal investigations for possible
13 violations of federal firearms laws. I am also a law enforcement officer of the United
14 States within the meaning of 18 U.S.C. § 2510(7), and I am authorized by law to conduct
15 investigations and to make arrests for felony offenses.

16 2. The facts set forth in this Complaint are based on my own personal
17 knowledge; knowledge obtained from other individuals, including other law enforcement
18 officers, during my participation in this investigation; review of documents and records
19 related to this investigation; communications with others who have personal knowledge
20 of the events and circumstances described herein; and information gained through my
21 training and experience. It also does not purport to state every fact known to law
22 enforcement, but rather only to establish probable cause to conclude that LYNN
23 MANLEY CARGILE committed the charges set forth above.

24 3. This Complaint is being presented by electronic means pursuant to Federal
25 Rule of Criminal Procedure 41(d)(3) and Local Criminal Rule CrR 41(d)(3).

26 **PURPOSE OF AFFIDAVIT**

27 This Affidavit is made in support of a Complaint against LYNN MANLEY CARGILE
28 for the crimes of *Felon in Possession of a Firearm* in violation of Title 18, United States

1 Code, Sections 922(g)(1) and 924(a)(2), and *Possession of an Unregistered Short-*
2 *Barreled Rifle* in violation of Title 26, United States Code, Sections 5845(a)(3), 5861(d),
3 and 5871.

4 **INVESTIGATION AND PROBABLE CAUSE**

5 4. On December 26, 2019, officers from the Battle Ground Police Department
6 (BGPD) were dispatched to 209 SW 12th Avenue, Battle Ground, Washington, for a
7 welfare check type call. Mandy Carver reported that her ex-husband, LYNN CARGILE,
8 shoved her onto a bed, smashed her cell phone and pulled her back to the house by her
9 hair when she tried to leave. Carver said that she was able to get free and Carver and
10 CARGILE's mother, Christine Cargile, were able to leave the house. They told
11 responding officers that LYNN CARGILE was the only one left in the house. When
12 asked by BGPD about firearms, Carver said that she had seen CARGILE with a handgun
13 the night before and he also had recently been in possession of an AR-15 style rifle.

14 5. BGPD attempted to make contact with LYNN CARGILE at the residence
15 without success.

16 6. Based on the information BGPD had gathered and the fact that they
17 confirmed a felony arrest warrant for LYNN CARGILE for Felon in Possession of a
18 Firearm from Yamhill County, Oregon, BGPD Officer Pagaduan applied for and
19 obtained a Clark County District Court Search Warrant for 209 SW 12th Avenue, Battle
20 Ground, Washington, authorizing the seizure of the body of CARGILE as well as
21 evidence of the crimes they were investigating, including Unlawful Possession of a
22 Firearm.

23 7. After the SWAT team deployed flash bangs, LYNN CARGILE came out of
24 the residence and was taken into custody, approximately six hours after the initial 911
25 call.

26 8. After being advised of and waiving his *Miranda* rights, LYNN CARGILE
27 was asked about firearms in the residence. CARGILE said that he had not touched a gun
28 in years, and if there were any guns found in his room, they were not his.

1 9. During the search of the residence pursuant to the warrant, a loaded Black
2 Rain Ordnance, model SPEC15, multi-caliber short-barreled semi-automatic rifle, serial
3 number SP002588, was recovered from the bedroom identified as belonging to LYNN
4 CARGILE. A Smith and Wesson, model M&P15-22, .22LR caliber semi-automatic rifle,
5 serial number DFJ7209, and a High Standard, model The Sharpshooter, .22LR caliber
6 semi-automatic pistol, serial number 2431762, were found under the bed in the bedroom
7 identified as Christine Cargile's. The Smith and Wesson Model M&P15-22 is marked
8 with a white swastika on the lower receiver of the rifle. The Smith and Wesson M&P15-
9 22 rifle was found in a black bag with two cylindrical items that, upon initial inspection, I
10 believe to be firearm suppressors or silencers.

11 10. BGPD Detective Seifert spoke with Christine Cargile about the firearms
12 located in her residence. She advised that she was not aware of a rifle with a swastika or
13 a pistol under her bed. Christine Cargile stated that the firearm most likely belonged to
14 her son, LYNN CARGILE, because he was a white supremacist. LYNN CARGILE has
15 also been known to self-admit to police that he is a "skinhead."

16 11. ATF Special Agent Caleb Enk, a firearms and ammunition interstate nexus
17 expert, has examined the Black Rain Ordnance, model SPEC15, multi-caliber short-
18 barreled semi-automatic rifle, serial number SP002588; the Smith and Wesson, model
19 M&P15-22, .22LR caliber semi-automatic rifle, serial number DFJ7209; and the High
20 Standard, model The Sharpshooter, .22LR caliber semi-automatic pistol, serial number
21 2431762, and determined that each was manufactured outside the State of Washington
22 and therefore had traveled in interstate or foreign commerce prior to being found in Battle
23 Ground, Washington on December 26, 2019.

24 12. I have measured the Black Rain Ordnance, model SPEC15, multi-caliber
25 semi-automatic rifle, serial number SP002588, and found its barrel to be less than 16
26 inches in length. I believe it to be a short-barreled rifle as defined in Title 18, United
27 States Code, Section 921(a)(8), and a firearm as defined in Title 26, United States Code,
28 Section 5845(a)(3).

1 13. On February 20, 2020, I caused a search to be made of the ATF National
2 Firearms and Transfer Record and found no firearms registered to LYNN MANLEY
3 CARGILE, date of birth XX/XX/1977.

4 14. I have reviewed a number of conviction documents from courts in
5 Washington pertaining to LYNN MANLEY CARGILE. He has a number of convictions
6 for crimes punishable by over one year, including:

7 a. *Possession of a Controlled Substance – Methamphetamine*, Clark
8 County Superior Court case number 07-1-00186-7, on or about March 19, 2007;

9 b. *Attempting to Elude a Pursing Police Vehicle*, Clark County
10 Superior Court case number 04-1-01012-8, on or about August 23, 2004;

11 c. *Possession of a Controlled Substance – Methamphetamine*, Clark
12 County Superior Court case number 03-9-06351-6, on or about October 23, 2003;

13 d. *Attempting to Elude a Pursing Police Vehicle*, Clark County
14 Superior Court case number 03-1-01350-1, on or about October 23, 2003;

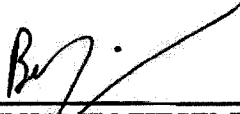
15 e. *Unlawful Possession of a Firearm in the Second Degree*, Clark
16 County Superior Court case number 01-1-02022-6, on or about January 30, 2002; and

17 f. *Unlawful Possession of a Firearm in the second Degree*, Clark
18 County Superior Court case number 99-1-01614-9, on or about November 19, 1999.

19 For each of these convictions, I observed that LYNN MANLEY CARGILE was
20 sentenced to serve a term of imprisonment of more than 12 months. Further, the Clark
21 County Superior Court Statement of Defendant on Plea of Guilty, Felon in Possession of
22 a Firearm in the Second Degree, cause number 99-1-1614, reflects that on November 19,
23 1999, LYNN MANLEY CARGILE was present and signed the document that included a
24 notice that CARGILE may not possess, own or have under his control a firearm unless
25 his right to do so is restored by the Court of Record. I have found no evidence that
26 CARGILE's firearms rights were ever restored.

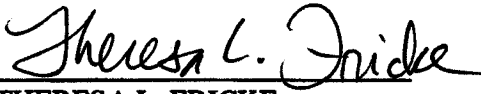
CONCLUSION

15. Based on the foregoing facts, I respectfully submit there is probable cause to believe that LYNN MANLEY CARGILE committed the crimes of *Felon in Possession of a Firearm* in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), and *Possession of an Unregistered Short-Barreled Rifle* in violation of Title 26, United States Code, Sections 5845(a)(3), 5861(d), and 5871.


BENJAMIN ZIESEMER
Special Agent, ATF

On this date, the above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing Affidavit, and based on the sworn Complaint and Affidavit, the Court hereby finds that there is probable cause to believe LYNN MANLEY CARGILE committed the offenses set forth in the Complaint.

Dated this 2nd day of March, 2020.


THERESA L. FRICKE
United States Magistrate Judge